

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
JESSE T.S. WELLS,
Defendant and Debtor.

No. 2:21-mc-0286 WBS DB

ORDER

CPC LOGISTICS, INC.,
(and its Successors and Assignees)
Garnishee.

On December 2, 2021, the United States filed an Application for Writ of Continuing Garnishment against twenty-five percent (25%) of Jesse T.S. Wells's ("Debtor") non-exempt disposable earnings, and it requested to receive the statutorily authorized litigation surcharge. ECF 1. The Clerk of the Court issued the Writ and Clerk's Notice to Debtor. ECF 4. The United States served the Writ and related documents on CPC Logistics, Inc. ("Garnishee") and Debtor. ECF 2 and 3.

On December 13, 2021, Garnishee served its Acknowledgment of Service and Answer of Garnishee on Debtor and the United States ("Answer"). ECF 5. In its Answer, Garnishee stated that

Jesse T.S. Wells is an employee or independent contractor of Garnishee and pays earnings to Debtor. Id. Debtor did not file a claim of exemption to the proposed garnishment or request a hearing, did not object to Garnishee's Answer, and did not otherwise object to the United States' garnishment action. *See* Docket.

Pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 302, on January 18, 2022, the Magistrate Judge issued findings and recommendations that recommended that the United States' request for final order of continuing garnishment be granted and ordered that any objections were due within 30 days after the filing of the findings and recommendations. ECF 7. The United States served the findings and recommendations on Debtor on January 18, 2022. ECF 8. Debtor did not object and the time to do so has passed. *See* Docket.

In accordance with 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of the case. Having carefully reviewed the file, the Court concludes that the Magistrate Judge's findings and recommendations are supported by the record and by proper analysis.

Accordingly:

1. The United States' Request for Findings and Recommendations for Final Order of Continuing Garnishment is GRANTED;

2. CPC Logistics, Inc. is directed to pay the Clerk of the United States District Court twenty-five percent (25%) of Jesse T.S. Wells's ongoing and non-exempt disposable earnings, including, but not limited to wages, earnings, commissions, and bonuses;

3. CPC Logistics, Inc. is directed to pay the Clerk of the United States District Court the amount of non-exempt disposable earnings, including, but not limited to wages, earnings, commissions, and bonuses, already withheld as a result of the writ, within fifteen (15) days of the filing of the Final Order. Payment shall be made in the form of a cashier's check, money order, or company draft, made payable to the "Clerk, District Court of Guam" and delivered to:

U.S. District Court of Guam
520 W. Soledad Ave., FL 4
Hagåtña, Guam 96910

The criminal docket number (CR-01-00009-001) shall be stated on the payment instrument;

1 4. The United States is entitled to recover a \$5,339.20 litigation surcharge after satisfaction
2 of the judgment amount owed by Jesse T.S. Wells. Garnishee shall pay the litigation surcharge to the
3 United States Department of Justice via a single payment within twenty (20) days of the garnished
4 wages accumulating to the \$5,339.20 surcharge amount, and send the payment in the form of a cashier's
5 check, money order, or company draft made payable to "United States Department of Justice", and
6 delivered to:

7 U.S. Bank Government Lockbox
8 Attn: DOJ Production Manager/Box 790363
9 1005 Convention Plaza, SL-MO-C2G1
 St. Louis, MO 63101

10 The payment instrument shall state "CDCS Number 2001B11682" on the face of the payment
11 instrument;

12 5. The Court shall retain jurisdiction to resolve matters through ancillary proceedings in the
13 case, if necessary; and

14 6. The garnishment shall terminate when (1) the United States seeks to terminate the writ or
15 (2) when the judgment amount and litigation surcharge are fully satisfied.

16 IT IS SO ORDERED.

17 Dated: February 28, 2022



18 WILLIAM B. SHUBB
19 UNITED STATES DISTRICT JUDGE
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